

## BILL ANALYSIS

By: Jack Harris

H.B. 1787

### BACKGROUND:

Currently Texas law allows the Texas Water Commission to divide the State into water divisions and to establish watermasters in each division to adjudicate surface water rights, Section 11.325 and 11.326, Water Code. There are no provisions for petitioning the Commission to establish a watermaster operation.

### PURPOSE:

As proposed, H.B. 1787 would create a system whereby the Texas Water Commission may appoint a watermaster in certain water basins.

### RULEMAKING AUTHORITY:

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION ANALYSIS:

SECTION 1. Amends Chapter 11, Water Code, by adding Subchapter I, as follows:

Sec. 11.451. Allows holders of water rights in a river basin to petition the commission for a watermaster or the commission to authorize the appointment of a watermaster on its own motion.

Sec. 11.452. Provides for a hearing and procedure for determining the need for a watermaster.

Sec. 11.453. Provides for appointment of watermaster who must meet certain requirements.

Sec. 11.454. Sets forth duties and authority of the watermaster.

Sec. 11.455. Allows commission to assess water rights holders for cost of the watermaster, with enforcement.

Sec. 11.456. Allows the commission to issue preliminary orders protecting water rights or to ask the attorney general to seek injunctive relief. Provides that the commission is not required to comply with the Administrative Procedure and Texas Register Act in issuing such preliminary orders.

Sec. 11.457. Requires the executive director to provide staff and facilities for the watermaster.

SECTION 2. Effective date. September 1, 1987.

SECTION 3. Emergency clause.

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